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## PART I—Section 1

**Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court**

## MINISTRY OF EXTERNAL AFFAIRS

## RESOLUTION

New Delhi, the 16th November 1960

No. F. 29-C(6)-WANA/60.—In continuation of the Government of India, Ministry of External Affairs, Resolution No. F. 29-C(6)-WANA/60, dated the 7th September, 1960, Shri Yusuf Mahanaj is hereby nominated as a Member on the Central Haj Committee.

ORDERED that a copy of this Resolution be communicated to all Ministries of the Government of India, the Prime Minister's Secretariat, Department of Parliamentary Affairs, all State Governments and Administrations, All Haj Committees and the Shipping Company concerned, for information and also that the Resolution be published in the Gazette of India,

P. N. KAUL, Dy. Secy.

## MINISTRY OF FOOD AND AGRICULTURE

## (Department of Agriculture)

## I.C.A.R.

New Delhi, the 16th November 1960

No. 54(1)/60-Fin.II.—Under Regulation 2(v) of the Regulations of the Standing Finance Committee of the Indian

Council of Agricultural Research, the President of the Council has been pleased to renominate Dr. S. W. Mensinkai, Principal, College of Agriculture, Dharwar, and Dr. Bertie A. D'Souza, Principal, Madras Veterinary College, Madras, as members of the Standing Finance Committee for a period of one year with effect from the 3rd September, 1960, and until such time thereafter as their successors are nominated.

J. P. VAISII, Under Secy.

## PRESIDENT SECRETARIAT

## ERRATUM

In President's Secretariat's notification No. 64-Pres./60, dated 15th November, 1960, published in the Gazette of India Part I—Section 1 dated 19th November, 1960, the following correction is to be made:—

Page 248, article 25,—

for "25 Chief of Staff holding the rank of Lieutenant-General or equivalent rank."

read "25. Chiefs of Staff holding the rank of Lieutenant-General or equivalent rank."

# MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

## RESOLUTION

### PORTS

New Delhi, the 18th November 1960

No. 13-PC (75)/60.—The Government of India have received the Administration Report of the Port of Madras for the year 1959-60. The following are the noteworthy features of the Report:—

#### 1. FINANCIAL RESULTS:

The financial results for the year were satisfactory. The Revenue Receipts of the Port Trust for the year under review amounted to Rs. 228.27 lakhs as against Rs. 219.73 lakhs in the previous year.

The net expenditure for the year, excluding the amount held under suspense and the amounts paid as contribution to Renewals and Replacement Fund, General Insurance Fund and Capital Account aggregating to Rs. 47.60 lakhs, amounted to Rs. 167.75 lakhs as against Rs. 160.79 lakhs during the previous year.

*Pilotage Fund.*—The receipts and expenditure of the Pilotage Fund amounted to Rs. 7.88 lakhs and Rs. 8.60 lakhs respectively. The expenditure is inclusive of a contribution of Rs. 5 lakhs to the Revenue Account.

*Reserve Fund.*—The balances in the various Reserve Funds at the end of the year were satisfactory, aggregating to Rs. 4.28 crores.

#### OUTSTANDING LOANS:

(i) The amount outstanding from the loans taken from the Government of India was Rs. 4.4 crores.

(ii) A total sum of Rs. 1,00,25,991 had been borrowed from the International Bank for Reconstruction and Development upto the end of 31st March, 1960 against the loan of Rs. 6.66 crores agreed to by the Bank.

#### 2. TRAFFIC.

There was an appreciable increase in the volume of Trade passing through the Port during the year under review. The total dead weight tonnage of imports and exports which passed through the Port during the year was 1,812,028 and 907,311 respectively. The figures for the last year were 1,737,399 (imports) and 702,709 tons (exports).

The total volume of Coastal trade rose from 659,184 tons in 1958-59 to 803,771 tons in 1959-60 and Foreign trade for the same period increased from 1,780,924 tons to 1,915,568 tons. The export of Ores rose from 501,379 tons to 673,015 tons.

The tonnage of coal imported by sea during the year was 339,069 as against 319,221 during the previous year.

#### 3. SHIPPING.

The number of ships, excluding sailing vessels, that entered the Port during the year, was 1195 as against 1085 in the previous year. The net tonnage also increased from 4,040,702 to 4,480,943. Eleven sailing vessels with a net tonnage of 829 arrived during the year, as against 7 with a net tonnage of 434 in the last year.

During the year 1959-60, 57,889 passengers used the Port against 62,233 passengers in the previous year.

#### 4. LABOUR.

The labour situation during the year was satisfactory. Labour welfare measure continued to receive special attention

#### 5. WORKS.

The following are some of the note-worthy items:—

- (i) The work on the mechanised Ore berth was nearing completion.
- (ii) The mechanised coal berth was also nearing completion.
- (iii) Work on the six-berth wet Dock was making good progress.
- (iv) The Eastern Railway sidings of the Marshalling yard were completed and opened to traffic.
- (v) The construction of a double-storeyed Warehouse 'K' at the side of the Springhaven Shed was completed.
- (vi) The construction of the New Administrative Offices was nearing completion.
- (vii) As regards housing, 78 units of type I and 108 units of type II quarters were completed. The work on construction of 156 units type I and 124 units type II quarters were, nearing completion.

(viii) During the year the Port Trust acquired a number of Steel Dumb barges, mobile Cranes and four-wheeled trailer trucks.

#### 6. MAINTENANCE.

During the year the depths at various berths and entrance approaches were maintained satisfactorily by dredging.

#### ACKNOWLEDGMENT

The Port Trust Board performed another year of useful work and Government view with appreciation the work done by the Board during the year under review.

NAKUL SEN, Jt. Secy.

## MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 18th November 1960

No. 17/1/60/LR-IV.—The following decision of Shri Salim M. Merchant, Central Government Industrial Tribunal, Bombay, in respect of the matter referred to him under section 36A of the Industrial Disputes Act, 1947 (14 of 1947) by the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 2286 dated the 7th September 1960, seeking correct interpretation of paragraphs 71, 128 and 131 of the Award dated the 9th June 1959 of the National Industrial Tribunal at Bombay in the industrial dispute between Messrs. Brooke Bond India Private Limited and its workmen, is hereby published for general information.

### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE No. CGIT 28 OF 1960

Employers in relation to Brooke Bond India Private Limited.  
AND

their workmen.

PRESENT:

Shri Salim M. Merchant,  
Presiding Officer.

Bombay the 31st October 1960

STATE: Andhra Pradesh.

INDUSTRY: Tea

In the matter of interpretation of paragraphs 71, 128 and 131 of the Award dated 9th June 1959 in the industrial dispute between Messrs. Brooke Bond India Private Ltd., and its workmen being Ref. No. (NT) 1 of 1958 published with S.O. 1165 dated 17th June 1959.

#### DECISION

The Government of India, Ministry of Labour and Employment by Order No. 17/1/60-LR-IV dated 7th September 1960 made in exercise of the powers conferred by section 36A of the Industrial Disputes Act, 1947 (XIV of 1947) was pleased to refer to me for decision the difficulties that had arisen as to the interpretation of paragraphs 71, 128 and 131 of the award dated 9th June 1959 of the National Industrial Tribunal of India at Bombay in Ref. No. (NT) 1 of 1958 in respect of the following matters specified in the schedule to the said order.

#### SCHEDULE

- "(1) Whether the scales of pay mentioned in paragraph 71 of the Award of the National Industrial Tribunal apply to peons in the Ghatkesar Factory?
- (2) Whether clause 4 of the production incentive scheme 1956, of the Ghatkesar Factory which is made applicable by the Award of the National Industrial Tribunal to all the three factories, Ghatkesar, Kanhan and Jannagar would entitle the management to take into account the total number of Class A employees irrespective of the actual number employed in Class A occupations for the purpose of computing average incentive?
- (3) Whether condition 1 of paragraph 131 of the Award would justify fixation of targets for Saturday working different from the targets fixed in the Ghatkesar Incentive Agreement of 1956 for Saturday?
- (4) Whether condition 6 of paragraph 131 of the Award excludes peons and maulis who were participating in the wage incentive scheme agreement of 1956 and whether hourly rated Grade I workers in Ghatkesar factory are entitled to participate in the Wage Incentive Scheme by virtue of this condition?"

2. After the reference order was received from Government on 12th September 1960 notices were issued on the parties by this Tribunal on 15th September 1960 to file their written statements. Thereupon the General Secretary of the Andhra Pradesh Brooke Bond Karmika Sangham, Ghatkesar (hereinafter called the union) filed the written statement of claim dated 12th October 1960. But before the company could file its written statement in reply, an application dated 12th

October 1960 was received from the General Secretary of the union stating that the workmen concerned did not want to press the issues referred to this Tribunal for adjudication and that the same may therefore be disposed of accordingly. Upon receipt of this application, enquiries were made of the management of Brooke Bond India Private Ltd., whether they had any objection to the reference being disposed of as withdrawn. By two communications received from the company on 22nd and 26th October 1960, respectively, it has stated that the withdrawal of the issues referred for adjudication before this Tribunal were part and parcel of a settlement settling certain issues referred for adjudication to the Industrial Tribunal at Hyderabad and requested that in the circumstances the reference herein may be closed.

3. In view of this position in the matter I dispose of this reference as having been withdrawn.

No order as to costs.

Sd/- SALIM M. MERCHANT,  
Presiding Officer.

A. L. HANDA, Under Secy.

New Delhi, the 22nd November 1960

No. 1/87/59-LRII.—The following decision of Shri G. Palit, Central Government Industrial Tribunal, Dhanbad, in respect of the matter referred to him under section 36A of the Industrial Disputes Act, 1947 (14 of 1947) by the Order of Government of India in the Ministry of Labour and Employment No. S.O. 1387 dated the 28th May, 1960, seeking correct interpretation of the Award of the All India Industrial Tribunal (Colliery Disputes) in its application to "traffics" is hereby published for general information.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 27 OF 1960

##### PARTIES:

Employers in relation to certain coal mines

##### AND

Their workmen

##### PRESENT

Shri G. Palit, M.A., B.L., Chairman, Central Govt. Industrial Tribunal, Dhanbad.

Dhanbad, dated the 31st October 1960

##### APPEARANCES:

For the employers:

Shri S. S. Mukherjee, Advocate, for member collieries of Indian Mining Association, Indian Collieries Association, Indian Mining Federation, M.P. and Vidarbha Mining Association.

Shri D. Narsingh, Advocate, for collieries under the management of Messrs. Andrew Yule & Co. Ltd.

For the workmen:

Shri D. L. Sen Gupta, Advocate, for Colliery Mazdoor Congress, with Shri S. K. Rudra, Office Secretary, Colliery Mazdoor Congress.

Shri S. N. Banerjee, Advocate, with Shri Keshab Banerjee, for Indian National Mine Workers Federation.

STATE: Indian Union. INDUSTRY: Coal.

##### DECISION

The Government of India, Ministry of Labour & Employment by its Order No. 1/87/59-LRII, dated the 23rd May 1960 referred to me in exercise of the powers conferred by Section 36A of the Industrial Disputes Act, 1947 (XIV of 1947) for decision of the question arising out of the Award of the All India Industrial Tribunal (Colliery Disputes) published in the Gazette of India Extraordinary Part II, Section 3 dated the 26th May 1956 (S.R.O. No. 1224 dated the 18th May 1956) as per schedule below:—

"Whether a 'traffic' is to be placed in Grade II of the clerical service in terms of the said award."

2. It is the contention of the Associations of employers mentioned in the order of reference that only in some collieries among their members there are workmen designated as 'traffics'. So it is contended that the collieries where there are no workmen with the designation of traffics, should be excluded from the present reference by virtue of Section 18(3)(b) of the Industrial Disputes Act, 1947. Even where the workmen designated as traffics do occur, they should be placed in Grade III and not in Grade II. They have been placed in Grade II in Appendix XVI of the Coal Award

through oversight. It was a case of typographical error as was even admitted by Government in its correspondence. Besides, the traffics are said to be synonymous with traffic-munshis who have been placed in Grade III in Appendix XVI of the Coal Award. Strictly speaking, these workmen have little or no education and sometimes wholly illiterate having only outdoor duties assigned to them. So they should be placed in workers' category in Appendix XII of the Coal Award rather than in Appendix XVI. The grounds on which the Associations rested their case are *viz.* (1) that the entry in Grade II in Appendix XVI is evidently erroneous because both traffic and traffic-in-charge cannot be put into the same class. Their duties and responsibilities widely vary. (2) In support of the contention that it was as a result of typographical error, the Associations referred to a letter of Mr. Barraclough who represented the Associations in their talk about classification of those grades before the Coal Tribunal. The unions vehemently opposed this contention. Firstly, that the Tribunal is not competent to go beyond the award. Its jurisdiction is extremely limited. It can only interpret the provision of the award referred to it under Section 36A of the Act. Even in so doing it cannot add to or subtract from any portion of the award or alter it in any manner. Accordingly the word 'traffic' occurring in Grade II Appendix XVI must be left where it is. Secondly, the unions have examined Shri Kanti Mehta who represented the workmen in the above negotiations before the Coal Tribunal. The union has also referred to the paper book on which this Appendix XVI was based. The union has also contended that there is no difficulty in placing traffic and traffic-in-charge in the same category because there is mention of the Time-Keeper and Head Time-Keeper both in the Grade II of Appendix XVI as also others.

3. I have considered this matter very carefully in all its bearings as placed by the parties. I am inclined to accept the Union's contentions mostly in preference to that which is advanced on behalf of the Employer Associations. I concur that both traffic and traffic-in-charge can be placed in Grade II. There is no inherent difficulty or anomaly involved. I find that the duties of the traffic and traffic-in-charge differ only in degree and not in kind. Time-Keeper and Head Time-Keeper have been included in Grade II in Appendix XVI in spite of such differences. Similarly, I find the Head Clerk and the Assistant Head Clerks, Cashiers, and Assistant Cashiers all huddled up in the single category in Grade II. So it appears that though the responsibilities might differ in degree between one clerk and another, they can very well be put in the same grade. One may be placed at the top of the grade and the other may be placed rather lower in the grade according to their experience and equipment. This can never give rise to any serious trouble or discontent as was envisaged by the Employer Associations in their written statement.

4. Next, I turn to the question of the alleged typographical error. I, of course, find that in Annexure B to the Management's written statement, the Under Secretary to the Government of India has mentioned that a typographical error has crept in the Coal Award relating to the grading of traffics. But this can never be decisive in this matter particularly when the Tribunal has been asked to adjudicate upon it. In this connection, Mr. Barraclough's letter Exhibit-E, dated 26th October, 1959 has been referred to. Of course, he wants to say that the entry of traffic in Grade II, Appendix XVI, was erroneous. But this letter was called for from him for this case. What he speaks, he speaks from memory. But this designation has been put in there from the Paper Book, admittedly initiated by all the parties including Shri Kanti Mehta. (Exhibits 2 and 3, page 86). I find that it supports the grading in Appendix XVI. Shri Kanti Mehta who commands respect of all parties and who is a signatory to the agreement, says that the list was scrutinised and checked a number of times. Then there was the Labour Appellate Tribunal's decision and also the Arbitrator's decision where the irregularities were all removed. But this was untouched. Further Shri Kanti Mehta has been cross-examined. I attach a great weight to his testimony. So the contention of typographical error falls through.

5. Coming to this aspect of the question even if I assume that it was a typographical error and I delete the impugned oblique stroke, only two designations are left at the bottom of the Grade II and not three as it is. These are "Traffic-in-charge" and "Traffic Munshi-in-Charge". But this is hard to accept because there can be no 'Traffic-in-Charge' when the designation 'Traffic' is no longer there existing independently. That is why the Associations have been led to the next step that traffic under the name of Traffic Munshi is in Grade III, Appendix XVI. But this position taken up by the Employers Association is also untenable because *viz.* (1) there should have been in that case also 'Pit Munshi-in-charge' corresponding to pit munshi in Grade III. Next, if the 'Traffic Munshi-in-charge' in Grade II relates only to 'Traffic, Munshi' in Grade III, then the designation 'Traffic-in-Charge' in Grade II, is left hanging in the air. The position would be, there is an in-charge officer as 'Traffic-in-Charge' in Grade II but there is no 'traffic' in Grade III. So the way out would be that

"the Munshi-in-Charge" in Grade II should be left alone intact. It would stand for 'in-charge Officer' for all Munshis mentioned in Grade III, namely Pit Munshi, Traffic Munshi etc. In that case both traffic and traffic-in-charge would remain undisturbed in Grade II, as it occurs. This would be doing no violence to the designations occurring in Grade II, Appendix XVI. The Associations however confront me with two of my decisions in (1) Reference No. 4 of 1960 and 69 of 1959. But I find that in none of the two decisions this particular matter was mooted as an issue. In one it was decided whether particular workmen would be monthly rated and in another, whether the Framing Contractor's men designated as supervisors should be Traffic Munshis. I have discussed casually the duties of Traffics there. So what utterances I have made casually, can have no bearing on the present matter.

6. Lastly, the Associations contend that traffic should be put in the category among the operatives and not as clerks because they have little or no education and because they do not discharge the duties of clerks. But this contention can very well be summarily thrown out, because the reference to me is whether the traffic should be placed in Grade II in Appendix XVI. Now they are placed in Grade III in Appendix XVI. Both these grades refer to the clerical grade. So at all events, the traffics must occupy without dispute a clerical grade. The only point to be decided is whether it should be in Grade III as now or in Grade II as claimed both in the clerical grade. If the traffics are required to be placed outside Appendix XVI I would be going beyond the award. I do not think Section 36A warrants me to alter the award. That would be travelling beyond the scope of the reference. At the foot-note to Appendix XVI I get that some of these workmen who have been put into these clerical grades have little or no education. But they have responsibility. It is stated that in course of time persons appointed to such posts will be literate and will have the necessary minimum qualifications to thus bring them on par with other categories of clerks of that grade. This indicates that many of these workmen as munshis etc. are either literate or illiterate. But none the less they have been assigned clerical grades. It also cuts at the root of the employers' contention that if traffics are given Grade II there will be discontent because their responsibilities and academic qualifications are much less than other people occupying Grade II. The Coal Award has answered this, namely that at present there is some anomaly and disparity if these workmen are judged with an eye to their academic attainment. But after some time, parity will be achieved. Both sides have given evidence about the duties done by the traffics. I have got out of them namely, that they do supervisory duties, arrange the smooth flow of tubs, loaded and full and also look after their transport and also check the attendance and give verbal or written reports to the Clerk-in-Charge. I need not attach much importance whether such reports are written or verbal. Even the witnesses of the employers have admitted that the traffics do submit reports. This being the position, if traffics are placed in Grade II, I do not think that there will be any discontent as is urged by the Employers' Associations among the different ranks of such workmen.

7. Lastly, to conclude, I must say that I am clearly of opinion that the traffics should be put in Grade II under Appendix XVI as they have already been put by the Award. The learned Advocate Shri Sen Gupta of the workmen has referred to the Interpretation of Statutes by Sir P. B. Maxwell, 9th Edition, to guide me as to what should be the proper method of interpretation. The learned Advocate on behalf of the Employers' Associations has met him by saying that the said interpretation about Statutes does not hold good in the present case. Firstly, because the present one is an award and not a Statute and secondly, the award is only a tentative determination by a Tribunal. Its interpretation must be taken with reference to its context as also on other evidence by which the award was reached. I accept the argument of the employers in preference to the argument of Shri Sen Gupta on this point. But my reason is that I have been asked not to interpret an award but to solve the difficulty which has arisen out of the interpretation of a provision of an award. That difficulty only has been referred to me for decision. I have to give a decision on hearing both sides in the matter. So what I am called upon to do in the present case is not so much to give an academic interpretation of any provision of an award. I have been called upon to remove the difficulty which has arisen in relation to grading as per Appendix XVI with reference to 'Traffic'. The learned Advocate Shri Sen Gupta argues that even in such interpretation, I am bound by the Award. I cannot go beyond it. I must take the literal meaning of the agreement on which the award is based. I must not bother about the resultant consequences. I agree with him that I cannot travel beyond the award. But I do not agree with him when he says that I must shut my eyes to the consequences which flow from the literal interpretation

of the award. It is exactly such consequences which have been referred to me and which I have got to decide. 'To decide' means to give a finding based on reasons. These reasons are to be had on hearing the parties. This decision will be confined to the practical difficulty which has arisen. I differentiate the two words 'doubt' and 'difficulty' occurring in Section 36A of the Act. Doubt can be removed more or less by academic reasoning in relation to interpretation of the language used. But the difficulty is more or less practical. It has been felt while putting the award into effect. In the present case the existence of such difficulty is not denied. The union claims for the Traffic Grade II while the Employers are not willing to concede it, both sides taking their stand on Appendix XVI of the Coal Award. So the consequences in such cases matter a good deal. Thus I find that the scope of the present reference gives jurisdiction to the present Tribunal to remove the aforesaid difficulty without travelling beyond the award. That is what I have done.

8. Then with reference to the contention of some of the collieries that where the workmen designated as 'traffics' do not occur, their names should be omitted from the present reference under Section 18(3)(b) of the Industrial Disputes Act, 1947. But this section has been wrongly invoked here. In the present case I have not summoned them in pursuance of the said Section. So the question does not arise whether they were so summoned without proper cause. They have been summoned in the present case because they were parties to the original award. I have to summon all the parties who were impleaded in the original Coal Award. So this contention is over-ruled. In an omnibus or industry-wise reference it is not necessary that the dispute must relate to each one of them or the cause of action must exist in all cases. Even if the dispute is not there but they are made parties in the reference, all that may be said is that they are under no obligation to implement the Award. But the award will be binding on all of them all the same. So I am unable to exclude them. I mean those colliery owners from the present reference in whose collieries the designations of Traffics do not occur. I make no order for costs in the present case. This is my award.

DHANBAD,

The 31st October, 1960.

Sd/- G. PALIT,  
Chairman, Central Government Industrial Tribunal,  
Dhanbad.

S. N. TULSIANI, Under Secy.

(Directorate General of Employment and Training)

New Delhi, the 16th November 1960

No. NCT-2(1)/60.—In pursuance of sub-paragraphs (f), (g), (h) and (j) of paragraph 5 of the Government of India, Ministry of Labour, Resolution No. TR/EP-24/56, dated the 21st August, 1956, the following persons have been nominated by the Central Government in consultation with the authorities concerned, to represent the various organisations, bodies, etc. on the National Council for Training in Vocational Trades:—

*Representatives of the Employers' Organisations,*

1. Shri P. D. Singhania.
2. Shri P. B. Advani.
3. Dr. N. Das.
4. Shri B. F. Goodchild.
5. Shri R. L. Rajgarhia.

*Representatives of the Workers' Organisations,*

6. Shri Kashinath Pandey.
7. Shri Manohar Mehta.
8. Shri N. K. Bhatt.
9. Shri Nihar Mukerjee.
10. Shri K. Kamran.

*Experts and representatives of professional and learned bodies*

11. Shri V. K. R. Meun.
12. Shri S. Varadaraja Sarma.
13. Shri G. P. Sinha.
14. Shri N. N. Sen Gupta.
15. Shri Kandesh Ray.
16. Shri S. K. Nanavati.
17. Shri H. K. S. Lindsay.

T. R. CHOPRA, Under Secy.